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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,160	12/04/2003	Puthukode G. Ramachandran	AUS920030976US1	6788
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IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER LEE, JINHEE J	
			ART UNIT 2175	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/728,160	Applicant(s) RAMACHANDRAN, PUTHUKODE G.	
	Examiner Jinhee J. Lee	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the indication of a presently displayed document on the list of currently active browser windows must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The applicant has argued on replay dated 3/25/08 that this matter is separate from the list and is shown on figure 4B. Examiner fails to see this indication that is a separate item from the document names on the list in item 426. Clarify.

2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The amended limitations such as “a new document is to be displayed, a list of currently active browser windows including an indication of a presently displayed document” is new matter not previously disclosed. Applicant’s specification indicates that a list of currently active browser windows display when “select” is selected by the user, not “new” for example.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 9 and 15 recites the limitation such as “a new document is to be displayed, a list of currently active browser windows including an indication of a presently displayed document ”. This is confusing. Applicant’s specification indicates that a list of currently active browser windows display when “select” is selected by the user, not “new” for example. Clarify.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-21 have met the 101 requirements.

The method claims include tangible result, and the product claims include physical devices such as video display; computer readable, recordable type medium; and memory.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 3, 5-9, 11, 13-15, 17, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Busis et al. (20020085025).

Re claim 1, Busis et al. discloses a method in a data processing system for managing display of a new document, the method comprising data processing system implemented steps of:

Displaying, in response to receiving a user input (user activating the functionality for example) indicating that the new document is to be displayed (a browser window is opened or list to select in the same manner as disclosed by the applicant's specification for example), a list of currently active browser windows (a listing of all of the open browser windows for example) including an indication of a

presently displayed document (URL for example) in each respective browser window in the list of currently active browser windows (see paragraph 0046 for example); and

Replacing, in response to a user selection of a browser window from the list of currently active browser windows, a document displayed in the browser window with the new document (opening a new window, selected browser window is opened see paragraph 0046 and figure 4 for example).

Re claim 3, Busis et al. discloses a method, wherein the indication is a document name from a title bar (URL, see paragraph 0046 for example).

Re claim 5, Busis et al. discloses a method, wherein the list of currently active browser windows, including the indication of the presently displayed document in each respective browser window in the list of browser windows (see paragraph 0046 for example), is displayed in a pop-up menu (window is opened, see paragraph 0046 for example).

Re claim 6, Busis et al. discloses a method, wherein the receiving step and the replacing step are performed by a Web browser (see paragraph 0046 for example).

Re claim 7, Busis et al. discloses a method, wherein the new document is selected from one of a Web page, an image, or a spreadsheet (see paragraph 0046 for example).

Re claim 8, Busis et al. discloses a method, wherein the user input is received in a currently active browser window (see paragraph 0046 for example).

Re claim 9, Busis et al. discloses a data processing system for managing display of a new document on a video display of the data processing system, the data processing system comprising:

The video display (see paragraph 0031 for example);

displaying means (via the screen for example), responsive to receiving a user input indicating that the new document is to be displayed, for displaying on the video display of the data processing system a list of currently active browser windows including an indication of a presently displayed document in each respective browser window in the list of currently active browser windows (see paragraph 0046 for example); and

replacing means (opening a new browser for example) , responsive to a user selection of a browser window from the list of currently active browser windows, for replacing a document displayed in the browser window with the new document (see paragraph 0046 for example).

Re claim 11, Busis et al. discloses a data processing system, wherein the indication is a document name from a title bar (URL, see paragraph 0046 for example).

Re claim 13, Busis et al. discloses a data processing system, wherein the list of currently active browser windows, including the indication of the presently displayed document in each respective browser window in the list of browser windows (see paragraph 0046 for example), is displayed in a pop-up menu (see paragraph 0046 for example).

Re claim 14, Busis et al. discloses a data processing system, wherein the receiving means and the replacing means are performed by a Web browser (see paragraph 0046 for example).

Re claim 15, Busis et al. discloses a computer program product comprising:
first instructions, responsive to receiving a user input indicating that the new document is to be displayed, for displaying a list of currently active browser windows including an indication of a presently displayed document in each respective browser window in the list of currently active browser windows(see paragraph 0046 for example); and

second instructions, responsive to a user selection of a browser window from the list of currently active browser windows, for replacing a document displayed in the browser window with the new document (see paragraph 0046 for example).

Re claim 17, Busis et al. discloses a computer program product, wherein the indication is a document name from a title bar (see paragraph 0046for example).

Re claim 19, Busis et al. discloses a computer program product, wherein the list of currently active browser windows, including the indication of the presently displayed document in each respective browser window in the list of browser windows (see paragraph 0046 for example), is displayed in a pop-up menu (see paragraph 0046 for example).

Re claim 20, Busis et al. discloses a computer program product, wherein the first instructions and the second instructions are performed by a Web browser (see paragraph 0046 for example).

11. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Saylor et al. (20020186238).

Re claim 21, Saylor et al. discloses a data processing system comprising:
a bus system (with 635 for example);
a memory (with 634 for example) connected to the bus system, wherein the memory includes a set of instructions; and
a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive a user input indicating that a new document is to be displayed, wherein a list of browser windows is displayed including an indication of a presently displayed document in each respective browser window in the list of browser windows; and replace a document displayed in the browser window with the new document in response to a user selection of a browser window from the list of browser windows(see paragraph 0152, 0177 and figure 6b for example).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2, 4, 10, 12, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busis in view of Saylor et al.

Re claim 2, Busis substantially discloses a method as set forth in claim 1 above. Busis does not explicitly disclose promoting the browser window to a top of a window

hierarchy. However, Sylor et al. teaches of promoting the browser window to a top of a window hierarchy (see paragraph 0177 and 0152 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use promoting the browser window to a top of a window hierarchy of Sylor et al. on the method of Busis in order to provide primary viewing of the desired window.

Re claim 4, Busis substantially discloses a method as set forth in claim 1 above. Busis does not explicitly disclose wherein the indication is a thumbnail of the document. However, Sylor et al. teaches of wherein the indication is a thumbnail of the document (see paragraph 0102 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use wherein the indication is a thumbnail of the document of Sylor et al. on the method of Busis in order to provide a graphical indication of the desired window.

Re claim 10, Busis substantially discloses a system as set forth in claim 9 above. Busis does not explicitly disclose promoting means for promoting the browser window to a top of a window hierarchy. However, Sylor et al. teaches of promoting means for promoting the browser window to a top of a window hierarchy (see paragraph 0177 and 0152 and figure 6b for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use promoting means for promoting the browser window to a top of a window hierarchy of Sylor et al. on the system of Busis in order to provide primary viewing of the desired window.

Re claim 12, Busis substantially discloses a system as set forth in claim 9 above. Busis does not explicitly disclose wherein the indication is a thumbnail of the document.

However, Sylor et al. teaches of wherein the indication is a thumbnail of the document (see paragraph 0102, 0177 and 0152 and figure 6b for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use wherein the indication is a thumbnail of the document of Sylor et al. on the system of Busis in order to provide graphical indication of the desired window.

Re claim 16, Busis substantially discloses a product as set forth in claim 9 above. Busis does not explicitly disclose third instructions for promoting the browser window to a top of a window hierarchy y. However, Sylor et al. teaches of third instructions for promoting the browser window to a top of a window hierarchy (see paragraph 0177 and 0152 and figure 6b for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use third instructions for promoting the browser window to a top of a window hierarchy of Sylor et al. on the product of Busis in order to provide primary viewing of the desired window.

Re claim 18, Busis substantially discloses a product as set forth in claim 9 above. Busis does not explicitly disclose wherein the indication is a thumbnail of the document. However, Sylor et al. teaches of wherein the indication is a thumbnail of the document (see paragraph 0102, 0177 and 0152 and figure 6b for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use wherein the indication is a thumbnail of the document of Sylor et al. on the product of Busis in order to provide graphical indication of the desired window.

Response to Arguments

14. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's arguments filed 3/25/08 regarding claim 21 have been fully considered but they are not persuasive.

In response to applicant's arguments that Saylor et al. does not teach “wherein a list of browser windows is displayed including an indication of a presently displayed document in each respective browser window in the list of browser windows, examiner disagrees. The applicant points out figure 4B item 426 to be showing the list and an indication of the document. Examiner points out that claim states that the list includes the indication of the document. Item 426 shows a list which **includes** the name of the document, Saylor et al. teaches of a list includes the names on that list, therefore the claim requirements have been met. A list without any indication of the document listed, would not be a list of the documents.

Also note that the examination includes giving each term in the claim its broadest reasonable interpretation in determining patentability of the claim.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M-F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-2100 ext. 75. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jinhee J Lee/
Primary Examiner, Art Unit 2175

jji